

Claim Rejections – 35 USC §103

Claims 1-61 have been rejected as being unpatentable over the 1999 EBay Annual Report in view of a PSLExchange Press Release. In response, the Applicant submits that the PSLExchange Press Release(s) referenced by the Examiner have release dates of May 23, 2000 and August 4, 2000, respectively. The Applicant further submits that the PSLExchange Press Release(s) originated from the assignee of the present application and correspond to the subject matter described in the present application. Accordingly, a declaration under 37 C.F.R. §1.132 with respect to the PSLExchange Press Release dated May 23, 2000 is presented herein by the Applicant. Thus, the Applicant submits that the PSLExchange Press Release(s) do not comprise prior art for the present application, which was filed on August 4, 2000.

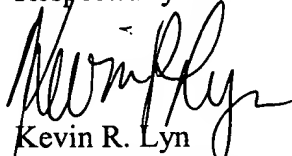
The 1999 EBay Annual Report reference generally describes an online auction format where a seller conducts an auction for an item for sale and the winning bidder deals directly with the seller. At no time does EBay take possession of either the item being sold or the winning bidder's payment for the item.

In contrast, and as claimed, the present invention allows an online auction for a seat license to be conducted by a seller. However, the issuing entity for the seat license, such as a sports team, typically requires an application and approval process for transferring ownership of the seat license. As such, the present invention further claims that, upon conclusion of the auction, an intermediary receives the title to the seat license from the seller and a remittance therefor from the winning bidder, before applying for a final approval of the transaction from the issuing entity. Only on final approval of the issuing entity is the transaction for the seat license completed by the intermediary forwarding the title to the seat license to the winning bidder, forwarding the remittance to the seller, less a fee, and then notifying the issuing entity of the completion of the transaction. Such a post-auction transaction procedure or structure is neither taught nor suggested by the 1999 EBay Annual Report reference. Thus, in view of this difference between the 1999 EBay Annual Report reference and the Applicant's invention as claimed, it is submitted that the Applicant's invention is patentable over the 1999 EBay Annual Report reference. Further, a combination of an auction format and a post-auction transaction procedure or structure, as described and claimed in the present application, is neither taught nor suggested by the potential sources of competition identified above.

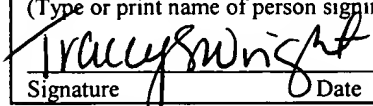
In conclusion, for the reasons set forth above, the Applicant submits that all claims now pending are in condition for immediate allowance. Accordingly, notice to such effect is respectfully requested at the Examiner's earliest opportunity.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,


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CERTIFICATION OF FACSIMILE TRANSMISSION	CERTIFICATE OF MAILING
<p>I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office at Fax No. 1-703-872-9025 on the date shown below.</p> <p><u>Tracey S. Wright</u> (Type or print name of person signing certification.)</p> <p> 10/2/02 Signature Date</p>	<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box Non-Fee Amendment, Commissioner for Patents, Washington, DC 20231, on October 2, 2002.</p> <p>Tracey S. Wright</p>

RTA 2124933v1